

MALLESONS STEPHEN JAQUES

Confidential communication

Attention Anthony Muratore
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16 March 2004

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Dear Sirs

Microsoft Corporation & Anors v Intertrust Technologies Corporation

This fax is in response to your faxes of 11 March and 15 March 2004.

Second Affidavit of Michael John Hitchens

As you are aware, our clients filed and served evidence of invalidity in December 2003. That evidence consisted of:

Affidavit	No of Pages in Affidavit	No of Exhibits
Affidavit of Michael John Hitchens	46	14
Affidavit of Paul King	70	23
Affidavit of John Swinson	20	nil

We also wrote to you on 18 November 2003 asking if your client was prepared to deal with this case on the basis that the independent claims in your client's patent should determine its validity, that is, if our clients proved their case on the invalidity of the independent claims, your client would not contest the validity of the dependent claims. You responded to that letter two months later on 15 January 2004 (which was after our clients' evidence was filed), indicating that your client was not prepared to accept that approach.

Since then, our clients have considered the need to file supplementary evidence dealing with a limited number of dependent claims, namely claims 24, 27, 28, 31 and 32. This supplementary evidence was sent to you on Friday 12 March 2004, in the form of an affidavit of Michael Hitchens which is 17 pages long (and has no annexures). Six paragraphs of that affidavit merely quote claims of the patent.

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MALLESON'S STEPHEN JAUQUES

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16 March 2004

Your letter of 15 March suggests that the supplementary affidavit "also deals with the independent claims". In fact, the affidavit only refers to one of the three independent claims of the patent, namely claim 21. Claim 21 was also dealt with at some length in Michael Hitchens' first affidavit, as well as Paul King's affidavit, and the supplementary affidavit merely points out the relevance of some, already cited, prior art, to that claim.

The supplementary affidavit does not refer to any additional prior art.

Our clients are not behind schedule in the Court ordered timetable. As we have explained, our client completed its evidence in chief in December, but has since prepared some supplementary evidence.

Our clients do not propose to file further evidence in chief.

Particulars of Invalidity

As we set out in our fax to you on 12 March, we believe that many of your requests for further particulars of our clients' Particular of Invalidity are not proper requests for particulars. You did not directly respond to this.

In our view, the Particulars of Invalidity and evidence previously provided to you are sufficient for your client to understand the case against it. However, without agreeing that your request for further and better particulars is proper or necessary, enclosed is a proposed amendment to our clients' Particulars of Invalidity which deals principally with the criticisms raised in your letter of 11 March 2004. Would you please let us know if you consent to this amendment.

In your letter today, you say "*our client is yet to receive a response to its request for further and better particulars*". Less than a week has passed since you made that request (despite the fact you have had our clients' Amended Particulars of Invalidity since November 2003).

We do not accept that your client had to await the receipt of our further amended particulars before it knows the case it has to meet, or begin to prepare its evidence in reply. Having had the bulk of our clients' evidence in chief since December, your client is well aware of the basis of the case outlined in our clients' current Particulars of Invalidity. Although those particulars can be (and now have been) supplemented with further specifics supported by our experts' affidavits, we do not accept that your client can have been in any doubt as to the nature and scope of our clients' case.

Your Delay

Our clients' Particulars of Invalidity were served in November 2002. The amended Particulars of Invalidity were provided to you on 12 December 2003. You first questioned the adequacy of our clients' Particulars of Invalidity in March 2004, which is three months into the four month

MALLESONS STEPHEN JAKUES

Freehills

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period that your client has to prepare its evidence in reply. We find the timing of your decision to question the adequacy of these particulars to be rather curious.

This represents a significant, and unexplained delay in the progress of your preparation of evidence and a lack of regard for the timetable which has been set. Further, the Particulars of Invalidity were apparently adequate for your client to understand the scope of its discovery obligations in relation to our clients' case.

We do not accept that your request for an extension of time to file your client's evidence is a result of any inadequacy of our clients' Particulars of Invalidity.

Extension of Time for Respondent to File Evidence

On 4 March, you asked for our clients' consent to an extension of time to file evidence, stating that if our clients would not consent, you would apply for appropriate orders "urgently". That same day, we informed you that our clients did not consent to such an extension, and asked that you inform us as soon as possible as to Justice Lingren's availability. You have not done so.

Your 11 March fax stated that you were preparing a notice of motion seeking an extension of time to file evidence. You have not served us with that notice of motion.

In view of your repeated statements as to the urgency of this issue, and our clients' consistent position that it will not consent to an extension of time to file evidence in reply, your delay in bringing the notice of motion seeking an extension is unhelpful.

To again make our clients' position clear: our clients will strongly oppose any application for an extension of time to file your evidence in reply.

Sufficiency

Our clients' position concerning sufficiency remains the same. Our clients have no intention to amend the Particulars of Invalidity to include a claim under section 40(2)(a) of the Patents Act.

Discovery & Confidentiality

In relation to discovery and confidentiality of documents, we note that our letters of 11 February 2004 and 10 March 2004 remain unanswered.

Yours faithfully

Mallesons Stephen Jaques

IN THE FEDERAL COURT OF AUSTRALIA
NEW SOUTH WALES DISTRICT REGISTRY

No.1260 of 2002

MICROSOFT CORPORATION

First Applicant

MICROSOFT PTY LTD

(ABN 29 002 589 460)

Second Applicant

INTERTRUST TECHNOLOGIES
CORPORATION

Respondent

SECOND AMENDED PARTICULARS OF INVALIDITY~~(Filed pursuant to leave of Lindgren J given on 22 December 2003)~~

The following are the particulars of the grounds of invalidity of Australian Letters Patent No. 728776 (the "Patent").

Priority Date

- 1 The onus is on the respondent patentee to establish that any of the claims of the Patent are entitled to a priority date earlier than 25 February 1998, the date of filing of the specification for the Patent in Australia. The applicants do not accept 25 February 1997 is the priority date of the Patent. When the term "priority date" is used below it refers to 25 February 1997 or any later date and is without prejudice to this contention.

Lack of Novelty

- 2 The alleged invention as claimed in the Patent is not a patentable invention within the meaning of the *Patents Act 1990* (the "Act") in that, in so far as claimed in each claim, it was not novel when compared with the prior art base as it existed before the priority date of each claim.

Filed on behalf of the Applicants by:
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64547597195821.1

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Particulars

- (i) The applicants will rely on the prior art information made publicly available prior to the priority date:
 - (a) in each of the documents referred to in Annexure "A", published on or about the date specified in Annexure "A"; and
 - (b) through the doing of each of the acts referred to in Annexure "B".
- (ii) The prior art information relied on by the applicants includes prior art information made publicly available in ~~any 2 or more~~ each set of related documents referred to in Annexure "A" that are related, and through the doing of any 2 or more acts referred to in Annexure "B" that are related, to the extent that the relationship between the documents or acts is specified in Annexure "C"; the documents in each set are related such that a person skilled in the relevant art in the patent area would treat ~~them~~ those items as a single source of that information.
- ~~(iii) The applicants reserve the right to add further instances of prior art information to Annexure "A" or Annexure "B".~~

Lack of Inventive Step

- 3 The alleged invention as claimed in each claim of the Patent is not a patentable invention within the meaning of the Act in that it did not involve an inventive step when compared with the prior art base as it existed before the **priority date** of each claim.

Particulars

- (i) The applicants will rely on the common general knowledge of persons skilled in the relevant art in Australia as at the priority date, including (without limitation):
 - (a) the admissions contained in the specification of the Patent; ~~and, including~~
 - (I) the statements made on pages 1 and 2 of the Patent concerning "DigiBoxes" and "secure digital containers"; and
 - (II) the statements made on pages 9 and 10 of the Patent concerning "templates" and "published standards", and

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- (III) that people are increasingly using secure digital containers to safely and securely store and transport digital content; and
- (IV) that an electronic container can be used to store, transport and provide a rights management interface to digital information, related rules and other rights management information, as well as to other objects and/or data within a distributed, rights management environment; and
- (V) that a container model allows and facilitates different container uses and detailed container customization for different uses, classes of use and/or users in order to meet different needs and business models; and
- (VI) that "templates" that can act as a set (or collection of sets) of control instructions and/or data for object control software; and
- (VII) that templates are capable of creating (and/or modifying) objects in a process that interacts with user instructions and provided content to create an object; and
- (VIII) that templates may be represented as text files defining specific structures and/or component assemblies, and that such templates, with their structures and/or component assemblies, may serve as object authoring and/or object control applications;
- (IX) that templates can help to focus the flexible and configurable capabilities inherent within the context of specific industries and/or businesses and/or applications by providing a framework of operation and/or structure to allow existing industries and/or applications and/or businesses to manipulate familiar concepts related to content types, distribution approaches, pricing mechanisms, user interactions with content and/or related administrative activities, budgets, and the like; and
- (X) the use of a template language and interpreter involving supporting programming through use of language elements and interpretation of such language by nodes, where such language includes elements

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descriptive of display, rights, and program interaction elements,
priorities and parameter data; and

(XI) the information contained in Fig. 9 of the Patent;

(b) the prior art information made publicly available prior to the priority date:

- (I) in each of the documents referred to in Annexure "CD", published on or about the date specified in Annexure "CD"; and
- (II) through the doing of each of the acts referred to in Annexure "D-F";
and

(c) the following items of knowledge, which were part of the common general knowledge in Australia as at the priority date:

- (I) Computers include a central processing unit, a memory, and other hardware to allow communication with other computers;
- (II) Computers may be interconnected by networks, such as the Internet;
- (III) Programs and data ("digital content") can be transferred between computers across networks. Digital content may also be transferred between computers (including remotely located computers) by way of external media, such as floppy disks and CD-ROMs;
- (IV) Digital content can easily be copied and distributed, and so technological methods can be used with the aim of preventing authorised copying and/or distribution;
- (V) Rules may be used to govern access to or use of digital content. Examples of such rules include access control lists implemented on many operating systems;
- (VI) Rules governing access or use of digital content may be implemented in software to enforce copyright rights relating to the digital content;
- (VII) Digital content may be structured in accordance with a given structural definition, which is commonly called a template. This template may be defined using many techniques, including tagged languages such as SGML or XML, class templates in object-oriented languages, and regular expressions. The templates defined by these

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techniques have several names, including Document Type Descriptors (DTDs), type descriptions and grammars;

(VIII) A template may be used:

- (i) to organise existing digital content so that it conforms with the template;
- (ii) to make new digital content that conforms with the template, and then,
- (iii) to interpret digital content that conforms with the template;

(IX) Digital content may be stored in containers, which may be secured;

(X) Containers may be secured by many means, including cryptography and physical security. Cryptographic means include digital signatures and encryption. Encryption may be performed using symmetric or asymmetric encryption;

(XI) Rules governing access to or use of digital content may be included with the digital content in the secure container;

(XII) A template is a form of digital content, and so may be transferred between computers, be subject to rules that govern its access and be placed in containers which may be secured;

(XIII) Data about data is called metadata. In addition to information relating to the structure of digital content, templates may include other metadata about the digital content;

(XIV) Metadata about the digital content might include any conceivable property of that digital content, such as whether a particular element of digital content is required, the author of the digital content, who holds the rights in respect of the digital content, or the location of other related digital content;

(XV) The structural definition component of a template may be separate from the other metadata components of a template, and each of the template components may be transferred between computers separately; and

(XVI) Computer programs called editors may be used to create digital content in accordance with a template. Computer programs called parsers or browsers may use templates to read, understand, locate and display digital content.

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(ii) The applicants will rely on the common general knowledge considered together with:

- (a) any one item of prior art information referred to in paragraph 3(i) ~~above; or~~
- (b) ~~a combination of any 2 or more pieces of prior art information referred to in paragraph 3(i) above, to the extent that the relationship between the documents or acts is a)~~ and paragraph 3(i)(b) above, insofar as such prior art information does not form part of the common general knowledge; or
- (b) any set of documents specified in Annexure "F", insofar as the information in such documents does not form part of the common general knowledge; the documents in each set are related such that a person skilled in the relevant art in the patent area would treat ~~them~~ those items as a single source of that information.

~~insofar as such prior art information does not form part of the common general knowledge.~~

- (iii) ~~The applicants reserve the right to add further instances of prior art information to Annexure "C" or Annexure "D".~~

Section 40, Patents Act 1990

Lack of definition

- 4 The specification does not comply with section 40(2)(b) of the Act in that the ~~alleged~~ claims do not define the alleged invention that is the subject of the Patent is not defined in the claims as described in the specification.

Particulars

- (i) Claims 1-20 claim a method of using a "descriptive data structure", which method is not otherwise ~~disclosed~~ described in the specification.
- (ii) Claims 21-44 claim a method of creating a "first secure container", which method is not otherwise ~~disclosed~~ described in the specification.
- (iii) Claims 45-57 claim a "distributed data processing arrangement", which arrangement is not otherwise ~~disclosed~~ described in the specification.

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- (iv) The applicants ~~repeat~~ repeat paragraphs (ii) – (xix) of the particulars to paragraph 6 below.

Lack of Clarity

- 5 The specification does not comply with section 40(3) of the Act in that the claims of the specification are not clear and succinct.

Particulars

- (i) Claims 1-57 are unclear as the meaning of the term “descriptive data structure” is unclear.
- (ii) Claims 1-57 are unclear as the meaning of the term “secure” is unclear.
- (iii) Claims 1-57 are unclear as the meaning of the term “secure container” is unclear.
- (iv) Claims 1-57 are unclear as the meaning of the term “rule” is unclear.
- (v) Claims 10-14, 21-44 and 51-54 are unclear as the meaning of the term “metadata” is unclear.
- (vi) Claims 1-20, 24-30 and 45-57 are unclear as the meaning of the term “data processing arrangement” is unclear.
- (vii) Claims 1-20 and 24-30 are unclear as the meaning of the word “site” is unclear.
- (viii) Claims 1-20 are unclear as the meaning of the word “remote” is unclear.
- (ix) Claims 1-20 are unclear in that they do not specify what, or who, at the remote site (or sites) does the sending of the secure containers.
- (x) Claims 20, 44 and 57 are unclear as the meaning of the term “secure electronic appliance” is unclear.
- (xi) Claims 21-44 are unclear as the term “desired” is unclear.
- (xii) Claims 21-44 are unclear as they require content to be organised before it is created.
- (xiii) Claims 21-44 are unclear as the meaning of the phrase “at least one rule designed to control at least one aspect of access to or use of at least a portion of said first secure container contents” is unclear.

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- (xiv) Claims 27 and 28 are unclear because the term "said metadata" has no antecedent basis.
- (xv) ~~(xiv)~~ Claims 36 and 37 are unclear as the meaning of the term "atomic transaction" is unclear.
- (xvi) ~~(xv)~~ Claims 45 to 57 are unclear as the meaning of the term "distributed data processing arrangement" is unclear.
- (xvii) ~~(xvi)~~ Claims 45 to 57 are unclear as the meaning of the term "data processing apparatus" is unclear.

Lack of Fair Basis

- 6 The specification does not comply with the requirements of section 40(3) of the Act in that the claims of the specification are not fairly based on the matter described in the specification.

Particulars

- ~~(i) In so far as the claims purport to describe a method, process or arrangement that is not described in the body of the specification, the claims are not fairly based thereon.~~
- (i) ~~(ii)~~ In so far as claims 1 to 20 purport to claim methods of using a "descriptive data structure", those claims are not fairly based on the body of the specification as the use of such "descriptive data structures" is not disclosed.
- (ii) ~~(iii)~~ Further and in the alternative to (ii), in so far as claims 1 to 20 purport to claim methods of using a descriptive data structure involving two "secure containers", those claims are not fairly based on the body of the specification as there is no disclosure of the means whereby such a "descriptive data structure" is used in the manner claimed.
- (iii) ~~(iv)~~ In so far as claims 21 to 44 purport to claim methods of creating a "secure container", those claims are not fairly based on the body of the specification as there is no disclosure of the means whereby such a "secure container" can be created in the manner claimed.
- (iv) Claim 24 is not fairly based on the body of the specification in so far as there is no disclosure of a "communications port".

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- (v) Claims 27 and 28 are not fairly based on the body of the specification in so far as there is no disclosure of the means by which the metadata may be "received separately" from the descriptive data structure, or by which the separately-received metadata may be referenced by the descriptive data structure.
- (vi) Claim 28 is not fairly based on the body of the specification in so far as there is no disclosure of how the metadata is received by the first data processing arrangement.
- (vii) Claim 31 is not fairly based on the body of the specification in so far as there is no disclosure of how the owner or creator is specified as required information.
- (viii) Claim 32 is not fairly based on the body of the specification in so far as there is no disclosure of a step requiring inclusion of a copyright notice when the said first secure container is created, or of why or how this should be done.
- (ix) ~~(v)~~ In so far as claims 45 to 57 purport to claim distributed data processing arrangements, those claims are not fairly based on the body of the specification as there is no disclosure of the means whereby such "distributed data processing arrangement" can be created in the manner claimed.
- (x) ~~(vi)~~ In so far as claims 1 to 44 purport to claim methods for using or accessing "descriptive data structures" other than by the use of central processing units, they are not fairly based on the body of the specification.
- (xi) ~~(vii)~~ Claims 1-57 are not fairly based on the body of the specification to the extent that they purport to claim the use of "descriptive data structures" comprising machine readable text.
- (xii) ~~(viii)~~ Claims 1-57 are not fairly based on the body of the specification to the extent that they do not require "tools" for the creation or use of "secure containers" where such "tools" are not themselves "secure" as those terms are used in the specification.
- (xiii) ~~(ix)~~ Claims 1-57 are not fairly based on the body of the specification to the extent that they purport to claim the use of different "descriptive data structures" in creation and post-creation processes.
- (xiv) ~~(x)~~ Claims 1 to 57 are not fairly based on the body of the specification in so far as they purport to claim a secure container.

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- (xv) ~~(xi)~~ Claims 1 to 20 are not fairly based on the body of the specification in so far as they purport to claim receipt of secure containers at a communications port.
- (xvi) ~~(xii)~~ Claims 1 to 20 are not fairly based on the body of the specification in so far as they purport to claim "a requirement that at least some information relating to said use or access be at least temporarily stored".
- (xvii) ~~(xiii)~~ Claims 21-44 are not fairly based on the body of the specification in so far as they purport to claim "metadata" information specifying steps required or desired in the creation of a "first secure container" other than the steps specified in the specification.
- (xviii) ~~(xiv)~~ Claims 21-44 are not fairly based on the body of the specification in so far as they purport to claim a "desired" organization and/or step.
- (xix) ~~(xv)~~ Claims 21-44 are not fairly based on the body of the specification in so far as they purport to claim a method whereby one accesses a descriptive data structure "including or addressing organisation information at least in part describing a required or desired organization of a content section of said first secure container, and metadata information at least in part specifying at least one step required or desired in creation of said first secure container".
- (xx) ~~(xvi)~~ Claims 21-44 are not fairly based on the body of the specification in so far as they purport to claim the generation or identification of "at least one rule designed to control at least one aspect of access to or use of at least a portion of said first secure container contents."
- (xxi) ~~(xvii)~~ Claims 45-57 are not fairly based on the body of the specification in so far as they purport to claim a central processing unit.
- (xxii) ~~(xviii)~~ Claims 45-57 are not fairly based on the body of the specification in so far as they purport to claim two memories.
- (xxiii) ~~(xix)~~ Claims 45-57 are not fairly based on the body of the specification in so far as they purport to claim a memory storing a secured container.
- (xxiv) ~~(xx)~~ Claims 45-57 are not fairly based on the body of the specification to the extent that they purport to claim a distributed data processing arrangement in which the

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second data processing apparatus has a means to receive "at least a portion of" a descriptive data structure.

(xxv) ~~(xxi)~~ Claims 1 to 20, 24 and 27 are not fairly based on the body of the specification to the extent that they purport to claim a communications port.

(xxvi) ~~(xxii)~~ Claims 14 and 31 are not fairly based on the body of the specification to the extent that they purport to claim information identifying an owner or creator.

(xxvii) ~~(xxiii)~~ Claim 39 is not fairly based on the body of the specification to the extent that it purports to claim a payment required for use of a descriptive data structure.

(xxviii) ~~(xxiv)~~ Claim 48 is not fairly based on the body of the specification to the extent that it purports to claim an operating system that is compatible with at least one version of Microsoft Windows.

(xxix) ~~(xxv)~~ Claim 54 is not fairly based on the body of the specification to the extent that it purports to claim a third memory.

(xxx) ~~(xxvi)~~ Claims 18, 42 and 55 are not fairly based on the body of the specification to the extent that they purport to claim rules about auditing.

(xxxi) ~~(xxvii)~~ Claims 19, 43 and 56 are not fairly based on the body of the specification to the extent that they purport to claim rules about budgeting.

~~(xxviii)~~ Claims 1—57 are not fairly based on the specification in that they travel beyond the matter described in the specification.

Manner of manufacture

- 7 The alleged invention as claimed in the Patent is not a patentable invention within the meaning of the Act in that, in so far as claimed in each claim, it is not a manner of manufacture within the meaning of section 6 of the Statute of Monopolies.

Particulars

- (i) There is no invention disclosed on the face of the specification;
- (ii) The alleged invention is a mere collocation of known integers and there is no working interrelationship between those integers which leads to a patentable invention;

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- (iii) The alleged invention merely claims allegedly new methods of using a known contrivance, being a descriptive data structure;
- (iv) The alleged invention is one or more mere *desiderata*.

ORIGINAL DATE: 27 November 2002

AMENDED DATE:

SECOND AMENDED DATE:

Kim Anne O'Connell
Mallesons Stephen Jaques
Solicitor for the Applicants

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ANNEXURE A

No.	Citation	Date of Publication
1	WO 96/27155, "Systems and methods for secure transaction management and electronic rights protection" [<i>See, for example, pp. 4-23, 34-38, 48-52, 82-84, 123-131, 160-168, 175-185, 258-264, 313-318, 352-354, 389-396, 416-417, 430-435, 561-567, 658-660, 751-754, 805-830, 865-887, 972-974, and Figures 11F, 12A, 13, 23.</i>]	18 September 1996
2	Olin Sibert, David Van Wie and David Bernstein, "Digibox: A Self-Protecting Container for Information Commerce" [<i>See, for example, sections 4 and 5, and Figures 3 and 4.</i>]	July 1995
3	AU 711,733, "Systems and methods for secure transaction management and electronic rights protection" [<i>See, for example, pp. 4-23, 34-38, 48-52, 82-84, 123-131, 160-168, 175-185, 258-264, 313-318, 352-354, 389-396, 416-417, 430-435, 561-567, 658-660, 751-754, 805-830, 865-887, 972-974, and Figures 11E, 12A, 13, 23.</i>]	18 September 1996
4	International Standard ISO 8879:1986, "Information processing - Text and office systems - Standard Generalized Markup Language (SGML)" [<i>All sections relevant.</i>]	October 1986
5	Goldfarb, C., "The SGML Handbook", Oxford University Press [<i>See, for example, pp. xiii and 19.</i>]	1990
6	WO 96/24092, "Method and system for managing a data object so as to comply with predetermined conditions for usage" [<i>See, for example, pp. 11 and 29, and Figures 1, 4 and 17.</i>]	8 August 1996
7	Carl Lagoze, Clifford Lynch and Ron Daniel, "The Warwick Framework: A Container Architecture for Aggregating Sets of Metadata", Cornell University Computer Science Technical Report TR96-1593. [<i>See, for example, pp. 1, 3, 4, 7-18, 21-24, and Figures 3, 10 and 11.</i>]	28 June 1996
8	EP 0 715 245 A1, "System for controlling the distribution and use of digital works" [<i>See, for example, pp. 2-12 and 25, and Figures 5, 6 and 11.</i>]	5 June 1996
9	Jan Harris, Ira Ruben, "Bento Specification - Revision 1.0d5" [<i>See, for example, pp. 2, 14-15 and 55-68.</i>]	15 July 1993
10	Such further particulars as are later provided	

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ANNEXURE B

No.	Act
1	Use of the Standard Generalized Markup Language (SGML)
2	Use of the Dublin Core metadata set
3	Use of the Warwick Framework
4	Such further particulars as are later provided

No.	Act
1	<p><u>Use of SGML in Australia in many public implementations, including the following:</u></p> <p>(a) <u>SGML was used in Australia prior to 1990 to implement a "Computer-aided Acquisition and Logistic Support" (CALS) system similar to that developed by the US Department of Defense.</u></p> <p>(b) <u>SGML was used by the W3C (the World Wide Web Consortium) to implement HTML, which is, and was prior to 1997, in use throughout the Internet and therefore in Australia and throughout the world.</u></p> <p>(c) <u>ArborText's "Adept" SGML editor and Adobe's "FrameMaker+SGML" were publicly available and used in Australia prior to 1997. The public domain "SP" parser was also available on the Internet, and therefore in Australia, in and prior to 1996. Australian users of the "Adept", "FrameMaker+SGML" and "SP" products use SGML to develop SGML applications and create SGML DTDs and documents.</u></p> <p>(d) <u>DSTC used SGML in several publicly-demonstrated projects prior to 1997, including the "Demonstrator" product.</u></p> <p>(e) <u>Uses of SGML described at the "SGML Asia-Pacific '96" conference, held in Sydney on 24-26 September, 1996.</u></p>
2	<p><u>Use of the Dublin Core metadata set in Australia in public implementations in and prior to 1996, including the following:</u></p> <p>(a) <u>DSTC used the Dublin Core in the OIL product, which was developed in Brisbane, Australia.</u></p> <p>(b) <u>DSTC also used the Dublin Core in Australia in and prior to 1996 in projects directed at, inter alia:</u></p> <p>(I) <u>indexing Dublin Core META tags in HTML files, using the Dublin Core;</u></p> <p>(II) <u>describing resources for URN resolution using the Dublin Core;</u></p> <p>(III) <u>to map search results from Web servers to library catalogues using the Dublin Core;</u></p> <p>(IV) <u>using the Dublin Core in the implementation of X.500 directories;</u></p> <p>(V) <u>using the Dublin Core with the PICS framework.</u></p>

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3	<u>Use of the Warwick Framework in Australia by, amongst others, DSTC in and prior to January 1997.</u>
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ANNEXURE C

No.	Citation	Date of Publication
1	WO 96/27155, "Systems and methods for secure transaction management and electronic rights protection"	18 September 1996
2	Olin Sibert, David Van Wie and David Bernstein, "Digibox: A Self-Protecting Container for Information Commerce"	July 1995
3	AU 711,733, "Systems and methods for secure transaction management and electronic rights protection"	18 September 1996
4	International Standard ISO 8879:1986, "Information processing - Text and office systems - Standard Generalized Markup Language (SGML)"	October 1986
5	Goldfarb, C., "The SGML Handbook", Oxford University Press	1990
6	WO 96/24092, "Method and system for managing a data object so as to comply with predetermined conditions for usage"	8 August 1996
7	Carl Lagoze, Clifford Lynch and Ron Daniel, "The Warwick Framework: A Container Architecture for Aggregating Sets of Metadata", Cornell University Computer Science Technical Report TR96-1593.	28 June 1996
8	EP 0 715 245 A1, "System for controlling the distribution and use of digital works"	5 June 1996
9	Jan Harris, Ira Ruben, "Dento Specification - Revision 1.0d5"	15 July 1993
10	Kim, W., et. al (ed) "Object Oriented Concepts, Databases, and Applications", ACM Press, 1989	1989
11	Peterson, G. (ed), "Object Oriented Computing, Volume 1: Concepts", Computer Society Press of IEEE, Washington, USA, 1987	1987
12	Ledgard, H., "The Little Book of Object Oriented Programming", Prentice Hall, 1996	1996
13	Kim, W., "Object Oriented Databases: Definition and Research Directions", IEEE Transactions on Knowledge and Data Engineering, Vol. 2, No. 3, Sep 1990	September 1990
14	Nyanehama G., et. al, "Mandatory Security in an Object Oriented Database" University of Western Ontario, 1992	1992
15	Bancillon F., et. al (ed.), "Building an Object Oriented Database System: the story of O2", Morgan Kaufmann Publishers, California, 1992	July 1992
16	Wade, A., "The ODBMS Role in 64 bit Distributed Client Server Computing", Electro International, 1994	1994
17	Hardjono T., et. al, "A New Approach to Database Authentication", Research and Practical Issues in Databases: Proceedings of the Third Australian	February 1992

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	Database Conference (Database '92), pages 334-342, 1992	
18	Erickson, J., "A Copyright Management System for Networked Interactive Multimedia", Proceedings of the Dartmouth Institute for Advanced Graduate Studies, May 30-June 2, 1995, Boston	June 1995
19	Kaplan, M., "IBM Cryptolepes™, SuperDistribution and Digital Rights Management", IBM T.J. Watson Research Center, 1996	December 1996
20	Kaplan, M., et al., "Digital Signatures for Software: Technical Requirements and a Proposal", IBM T.J. Watson Research Center, April 1996	April 1996
21	Such further particulars as are later provided	

<u>No.</u>	<u>Related Documents or Acts</u>
<u>1</u>	<u>Items 2 and 9 of Annexure A</u>
<u>2</u>	<u>Items 3, 4 and 9 of Annexure A</u>
<u>3</u>	<u>Items 3 and 4 of Annexure A</u>
<u>4</u>	<u>Items 3 and 9 of Annexure A</u>
<u>5</u>	<u>Items 4 and 9 of Annexure A</u>
<u>6</u>	<u>Items 4 and 7 of Annexure A</u>

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ANNEXURE D

No.	Act
1	Use of the Standard Generalized Markup Language (SGML)
2	Use of the eXtensible Markup Language (XML)
3	Use of the Dublin Core metadata set
4	Use of the Warwick Framework
5	Use of Bento containers
6	Use of IBM Cryptolopes
7	Use of object-oriented languages and databases
8	Such further particulars as are later provided

No.	Citation	Date of Publication
1	WO 96/27155, "Systems and methods for secure transaction management and electronic rights protection" [See, for example, pp. 4-23, 34-38, 48-52, 82-84, 123-131, 160-168, 175-185, 258-264, 313-318, 352-354, 389-396, 416-417, 430-435, 561-567, 658-660, 751-754, 805-830, 865-887, 972-974, and Figures 11E, 12A, 13, 23].	18 September 1996
2	Olin Sibert, David Van Wie and David Bernstein, "Digibox: A Self-Protecting Container for Information Commerce" [See, for example, sections 4 and 5, and Figures 3 and 4].	July 1995
3	AU 711,733, "Systems and methods for secure transaction management and electronic rights protection" [See, for example, pp. 4-23, 34-38, 48-52, 82-84, 123-131, 160-168, 175-185, 258-264, 313-318, 352-354, 389-396, 416-417, 430-435, 561-567, 658-660, 751-754, 805-830, 865-887, 972-974, and Figures 11E, 12A, 13, 23].	18 September 1996
4	International Standard ISO 8879:1986, "Information processing - Text and office systems - Standard Generalized Markup Language (SGML)" [All sections relevant].	October 1986
5	Goldfarb, C., "The SGML Handbook", Oxford University Press [See, for example, pp. xiii and 19].	1990
6	WO 96/24092, "Method and system for managing a data object so as to comply with predetermined conditions for usage" [See, for example, pp. 11 and 29, and Figures 1, 4 and 17].	8 August 1996
7	Carl Lagoze, Clifford Lynch and Ron Daniel, "The Warwick Framework: A Container Architecture for Aggregating Sets of Metadata", Cornell University Computer Science Technical Report TR96-1593.	28 June 1996

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	<u>[See, for example, pp. 1, 3, 4, 7-18, 21-24, and Figures 3, 10 and 11].</u>	
8	<u>EP 0 715 245 A1, "System for controlling the distribution and use of digital works" [See, for example, pp. 2-12 and 25, and Figures 5, 6 and 11].</u>	<u>5 June 1996</u>
9	<u>Jan Harris, Ira Ruben, "Bento Specification - Revision 1.0d5" [See, for example, pp. 2, 14-15 and 55-68].</u>	<u>15 July 1993</u>
10	<u>Kim, W., et. al (ed) "Object-Oriented Concepts, Databases, and Applications", ACM Press, 1989 [See, for example, p.38].</u>	<u>1989</u>
11	<u>Peterson, G. (ed), "Object-Oriented Computing, Volume 1: Concepts", Computer Society Press of IEEE, Washington, USA, 1987 [See, for example, pp. 18-19, and particularly Figure A].</u>	<u>1987</u>
12	<u>Ledgard, H., "The Little Book of Object-Oriented Programming", Prentice Hall, 1996 [See, for example, p. 63].</u>	<u>1996</u>
13	<u>Kim, W., "Object-Oriented Databases: Definition and Research Directions", IEEE Transactions on Knowledge and Data Engineering, Vol. 2, No. 3, Sep 1990 [See, for example, pp. 328-329 and 336].</u>	<u>September 1990</u>
14	<u>Nyanchama G., et. al. "Mandatory Security in an Object-Oriented Database" University of Western Ontario, 1992 [See, for example, p. 5].</u>	<u>1992</u>
15	<u>Bancilhon F., et. al (ed.), "Building an Object-Oriented Database System: the story of O2", Morgan Kaufmann Publishers, California, 1992 [See, for example, p. 370].</u>	<u>July 1992</u>
16	<u>Wade, A., "The ODBMS Role in 64 bit Distributed Client-Server Computing", Electro International, 1994 [See, for example, p. 604].</u>	<u>1994</u>
17	<u>Hardiono T., et. al. "A New Approach to Database Authentication", Research and Practical Issues in Databases: Proceedings of the Third Australian Database Conference (Database '92), pages 334-342, 1992 [All pages relevant].</u>	<u>February 1992</u>
18	<u>Erickson, J., "A Copyright Management System for Networked Interactive Multimedia", Proceedings of the Dartmouth Institute for Advanced Graduate Studies, May 30-June 2, 1995, Boston [See, for example, pp. 261-262].</u>	<u>June 1995</u>
19	<u>Kaplan, M., "IBM Cryptolopes™, SuperDistribution and Digital Rights Management", IBM T.J. Watson Research Center, 1996 [All pages relevant].</u>	<u>December 1996</u>
20	<u>Kaplan, M., et al, "Digital Signatures for Software: Technical Requirements and a Proposal", IBM T.J. Watson Research Center, April 1996 [All pages relevant].</u>	<u>April 1996</u>

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ANNEXURE E

<u>No.</u>	<u>Act</u>
1	<p><u>Use of SGML in Australia in many public implementations, including the following:</u></p> <p>(a) <u>SGML was used in Australia prior to 1990 to implement a "Computer-aided Acquisition and Logistic Support" (CALS) system similar to that developed by the US Department of Defense.</u></p> <p>(b) <u>SGML was used by the W3C (the World Wide Web Consortium) to implement HTML, which is, and was prior to 1997, in use throughout the Internet and therefore in Australia and throughout the world.</u></p> <p>(c) <u>ArborText's "Adept" SGML editor and Adobe's "FrameMaker+SGML" were publicly available in Australia prior to 1997. The public domain "SP" parser was also available on the Internet, and therefore in Australia, in and prior to 1996. Australian users of the "Adept", "FrameMaker+SGML" and "SP" products use SGML to develop SGML applications and create SGML DTDs and documents.</u></p> <p>(d) <u>DSTC used SGML in several publicly-demonstrated projects prior to 1997, including the "Demonstrator" product.</u></p>
2	<p><u>Use of the Dublin Core metadata set in Australia in public implementations in and prior to 1996, including the following:</u></p> <p>(a) <u>DSTC used the Dublin Core in the OIL product, which was developed in Brisbane, Australia.</u></p> <p>(b) <u>DSTC also used the Dublin Core in Australia in and prior to 1996 in projects directed at, inter alia:</u></p> <p style="padding-left: 40px;">(I) <u>indexing Dublin Core META tags in HTML files, using the Dublin Core;</u></p> <p style="padding-left: 40px;">(II) <u>describing resources for URN resolution using the Dublin Core;</u></p> <p style="padding-left: 40px;">(III) <u>to map search results from Web servers to library catalogues using the Dublin Core;</u></p> <p style="padding-left: 40px;">(IV) <u>using the Dublin Core in the implementation of X.500 directories;</u></p> <p style="padding-left: 40px;">(V) <u>using the Dublin Core with the PICS framework.</u></p>
3	<p><u>Use of the Warwick Framework in Australia by, amongst others, DSTC in and prior to January 1997.</u></p>
4	<p><u>Use of the eXtensible Markup Language ("XML") in Australia in and prior to January 1997, including use in Brisbane by DSTC and by other users of XML editors and parsers.</u></p>
5	<p><u>Use of Bento containers in programs such as the Common Desktop Environment incorporated in the Unix operating systems implemented by Hewlett-Packard, IBM, Novell and Sun which were publicly available in Australia from 1993.</u></p>

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6	<u>Use of IBM cryptolopes, available on the Internet prior to 1997 at www.infomarket.ibm.com, including as part of the IBM infoMarket, and to download via the Internet and access Showcase demo content in Cryptolope containers using the Cryptolope Live! and Cryptolope Opener applications, and creating Cryptolope containers using the Cryptolope Builder component, and as discussed by the National Library of Australia.</u>
7	<u>Use of object-oriented languages and databases throughout the world, and in Australia, in and prior to 1997. Object-oriented languages available and used in Australia prior to 1997 included Java, C++ and Simula. Object-oriented databases available and used in Australia prior to 1997 included O₂, Gemstone and Orion.</u>

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ANNEXURE F

<u>No.</u>	<u>Related Documents or Acts</u>
<u>1</u>	<u>Items 2 and 9 of Annexure D</u>
<u>2</u>	<u>Items 3, 4 and 9 of Annexure D</u>
<u>3</u>	<u>Items 3 and 4 of Annexure D</u>
<u>4</u>	<u>Items 3 and 9 of Annexure D</u>
<u>5</u>	<u>Items 4 and 9 of Annexure D</u>
<u>6</u>	<u>Items 4 and 7 of Annexure D</u>